

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

REO L. COVINGTON,

Plaintiff,

v.

JUDY SMITH, et al.,

Defendants.

OPINION AND ORDER

18-cv-134-wmc

Pro se plaintiff Reo L. Covington is proceeding in this lawsuit against defendant Kinnard on an Eighth Amendment failure to protect claim, and against defendants Kinnard, Wolf and Smith on First Amendment retaliation claims. On June 21, 2019, defendants filed a motion to dismiss this case for plaintiff's failure to prosecute. (Dkt. #16.) In support, defendants explain that they filed an answer on May 17, 2019, and the court set a telephonic pretrial conference for June 19, 2019, at 1:30 p.m., but Covington failed to appear for that telephonic conference. Subsequently, defense counsel mailed defendants' answer and notice of appearance to the address provided by Covington's parole office, and those filings were not returned. Defendants further point out that Covington has not filed anything in this lawsuit since March 8, 2018.

The court set July 1, 2019, as Covington's deadline to respond to their motion. Covington never responded to their motion, nor has he communicated with the court in any way that would suggest he is interested in prosecuting this case. Accordingly, the court is now granting defendants' motion and dismissing this case with prejudice for Covington's failure to prosecute. *See James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005).

ORDER

IT IS ORDERED that:

1. Defendant's motion to dismiss (dkt. #16) is GRANTED.
2. Plaintiff Reo Covington's claim is DISMISSED WITH PREJUDICE for failure to prosecute. The clerk of court is directed to enter judgment in defendants' favor and close this case.

Entered this 6th day of February, 2020.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge